

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EDWARD RIVEIRA, JR., *et al.*,

Plaintiffs,

v.

SCOTT DRESCH, in his individual capacity,
and DOES 1-10,

Defendant.

CASE NO. C18-1211-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Plaintiffs' motion for leave to file a second amended complaint (Dkt. No. 45). Plaintiffs' second amended complaint asserts additional factual allegations related to Defendant's qualified immunity defense. (*See id.* at 5.) Defendant raised this defense in a motion to dismiss Plaintiffs' amended complaint. (Dkt. No. 33.) The Court previously granted Plaintiffs' motion for an extension of time to respond to Defendant's motion to dismiss. (Dkt. No. 44.) The Court also granted Defendant's motion for a stay of discovery pending resolution of his motion to dismiss. (*Id.*) Defendant has withdrawn his pending motion to dismiss because Plaintiffs' motion for leave to file a second amended complaint renders it moot. (Dkt. Nos. 48, 49.) In response to Plaintiffs' motion for leave to file a

1 second amended complaint, Defendant states that he intends to file a renewed motion to dismiss
2 raising the same claims and defenses as those raised in his prior motion. (*See* Dkt. No. 49 at 1.)
3 Defendant also requests that the Court's order staying discovery remain in effect pending
4 resolution of his renewed motion to dismiss. (Dkt. Nos. 48, 49.)

5 Having thoroughly considered the motion and the relevant record, the Court GRANTS
6 Plaintiffs' motion for leave to file a second amended complaint. (Dkt. No. 45); Fed. R. Civ. P.
7 15(a)(2). Plaintiffs are ORDERED to file a second amended complaint by Friday, May 24, 2019.
8 Defendant may file a renewed motion to dismiss within the time remaining to respond to the
9 original complaint or within 14 days after service of the second amended complaint, whichever
10 is later. Fed. R. Civ. P. 15(a)(3). The Court's order staying discovery shall remain in effect.

11 DATED this 22nd day of May 2019.

12 William M. McCool
13 Clerk of Court

14 s/Tomas Hernandez
15 Deputy Clerk
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